

Interagency Classification Review Committee

Age Security
Executive Order 11652 Class +
Secret

Washington, D. C. 20408

August 15, 1973

Honorable William E. Colby
Chairman, United States
Intelligence Board
Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Colby:

As you know, the Interagency Classification Review Committee was established to assist the National Security Council in monitoring the government-wide classification and declassification program and to assure compliance with Executive Order 11652 and the implementing NSC Directive. One of the Committee's areas of responsibility is to attempt to resolve differences of opinion between agencies regarding declassification. A case involving conflicting opinions of the Defense Department and the Central Intelligence Agency was presented to the Committee at its July 11th meeting.

On May 2, 1972, Mr. Clay Blair, Jr., former Editor in Chief of the Saturday Evening Post, wrote to Mr. Ronald Ziegler requesting his assistance in securing declassification of official government records relating to the breaking of the Japanese code during the Second World War. Mr. Blair's request was forwarded to Mr. David R. Young, Special Assistant, National Security Council, who suggested that Mr. Blair ought to make his request to the Department of Defense and the National Archives.

Mr. Blair submitted his request for declassification to the Defense Department on May 25, 1972. However, the Defense Department felt that declassification was prohibited by existing regulations, specifically DCID 6/3, and that the Department could not act until this Directive was revised to conform with Executive Order 11652. On February 28, 1973, Dr. R. A. Winnacker, Historian, OSD, estimated that approximately 95% of the intercepted messages requested by Mr. Blair could be declassified and released "if a change in existing regulations will permit a classification review."

On March 5, 1973, Mr. Richard C. Tufaro, Staff Assistant to the Interagency Classification Review Committee, asked Mr. Lawrence Houston, General Counsel of the CIA, for a status report on efforts to revise DCID 6/3 and also requested an interim revision of the section of DCID 6/3 which was preventing declassification review of the material requested by Mr. Blair. Mr. [redacted] of the CIA responded to the request for an interpretation of DCID 6/3 which would allow declassification review of the intercepted Japanese messages. However, the Defense Department did not consider CIA's letter of interpretation specific enough to allow them to proceed with the declassification review. This situation is particularly ironic since the former Director of Central Intelligence, Richard Helms, in a memorandum to Mr. John Ehrlichman, dated December 7, 1971, stated that "In all these categories, the passage of time may to some extent alleviate the damage caused by a disclosure of the source, e.g., the fact that we were reading Japanese codes during World War II is hardly a sensitive matter any more."

Nevertheless, the CIA and the Defense Department seem unable to reach a mutually satisfactory understanding regarding the interpretation of DCID 6/3 which would allow declassification review of the intercepted Japanese messages. Therefore, the Interagency Classification Review Committee has determined that this case should be presented to the United States Intelligence Board for a formal ruling. Specifically, the Committee requests that:

1. The U.S.I.B. consider Mr. Blair's request for declassification of the intercepted Japanese messages; and, if the Board agrees that declassification is not prohibited, to so inform the Department of Defense of this decision.
2. The U.S.I.B. consider adding appropriate language to DCID 6/3 which would clearly indicate to the Departments that there is no intent to prohibit declassification when that action is appropriate.

It is our hope that the U.S.I.B. will be able to assist the Committee in resolving this matter.

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To aid you in this determination, I am enclosing copies of the correspondence regarding the Clay Blair request and a copy of the December 7, 1971, memorandum to Mr. Ehrlichman from Mr. Helms. If the U.S.I.B. requires any other information to make its decision, please contact me and I will attempt to provide it.

Sincerely,

JAMES B. RHOADS

JAMES B. RHOADS
Acting Chairman

Enclosures

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cc: [redacted] - CIA